MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2021/2022

UIF2612 – ISLAMIC FAMILY LAW

(All Sections / Groups)

8 AUGUST 2022
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 4 pages with 5 Questions only.

3. This Question paper consist of 2 sections. Attempt all TWO questions in Section A and TWO question only in Section B. The distribution of the marks for each question is given.

4. Students are only allowed to bring into exam hall a CLEAN AND ORIGINAL COPY of:
   i. Islamic Family Law (Federal Territory) Act 1984
   ii. Al-Quran Translation

   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

SECTION A (Answer ALL two question)

QUESTION 1

Upon dissolution of marriage after consummation or after the demise of the husband, it is compulsory for a woman to observe a period of time with certain prohibitions. The length of the period of time depends on the situation of a particular woman.

In the light of the above: -

a) Identify the above statement as referring to what?

(3 marks)

b) Explain the definition of (a).

(5 marks)

c) When a woman is observing (a), explain what are the legal implications?

(5 marks)

d) Discuss the rationale and categories of (a) in the light of the authorities from The Holy Quran, Sunnah of The Prophet and statutory provisions.

(12 marks)

(Total: 25 marks)

QUESTION 2

Talaq is permissible but strongly discouraged in Islam. When there is a conflict in a marriage, both parties shall try their best to improve themselves and save the marriage. Islam also recommends and encourages reconciliatory efforts of family members from both sides. Divorce shall only be considered in the event the marriage could not be saved any longer.

In the light of the above statement, explain the position and the practice of talaq (divorce) in Islam. Discuss the provisions spelt out in Islamic Family Law (Federal Territories) Act 1984 which provides the procedures on the practice of divorce by talaq in Malaysia.

(Total: 25 marks)

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SECTION B (Answer TWO question only)

QUESTION 3

Haifa and Sazly are childhood buddies. They live in the same village and study in the same primary school. Sazly's father, Hj Rosli loved to have Haifa as his daughter in law since she was a kid. After she graduated, Hj Rosli would like to propose Haifa on Sazly's behalf. Sazly disagreed with the proposal as he intended to marry Kasmah, his secretary. However, Haji Rosli, did not agree to the proposed marriage. He only found out that Kasmah's father, Haji Ahmad is his long-lost friend and Kasmah's sister, Khadijah, has breastfed with his wife, 20 years ago. Haji Rosli thought that his children are related to Haji Ahmad's children and thus, marriage among them shall be prohibited.

In the meantime, Khadijah has been proposed by her course mate, Danial for a hand in marriage. However, her father did not consent to the marriage as he wanted to marry her to Malik, his staff. Khadijah did not agree to that and will do anything to avoid marrying Malik. She would like to seek her cousin's consent for her marriage with Danial.

Salina is Haifa's aunt whose husband passed away 2 months ago. Her relatives would like to arrange her marriage with Daud. Salina contended that her iddah period will last in one year and nobody shall propose her during her iddah period.

Meanwhile, Sazly's sister, Wardina is still single at her 40's. Last week, she informed the family that she is getting married. The family members were very excited with the news. However, to their surprise, Wardina told them that she wanted to marry Hisham, her aunty's husband. Hisham was prepared to apply to the court for the permission of polygamous marriage but the whole family objected to the marriage.

In another occasion, Aminah, Haji Rosli's sister, has engaged with Ali last year. Their wedding shall take place in September 2022. Recently, Aminah has terminated the relationship as her colleague Abu has met her family and proposed her for marriage. Ali felt very sad as he has spent a lot of money for preparation of the wedding. He would like to claim all the costs spent.

Based on the above occurrences, apply the principles of Islamic family law to the problems and misconceptions of the affected parties by referring to the Holy Quran, Hadith of the Prophet and the relevant statutes.

(Total: 25 marks)

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QUESTION 4

Nani and Sani were married for 10 years and were blessed with 2 children. Their business was badly affected by the Covid-19 pandemic, and they suffered critical financial difficulties. Sani has changed from a loving and caring husband to a bad-tempered person. They ended up quarrelling and fighting over many issues. One day, as they were heated with arguments from early morning, Sani pronounced to Nani," I divorce you with three talaq and get lost!"

Sani's pronouncement became a big shock to Nani, she packed her things and went back to her parents' house. Sani regretted with what he has done since he still loves Nani and the children. Since then, Sani kept calling her and proposed to reconcile. Nani told him that there will be no chance for them to resume conjugal relationship since the divorce is irrevocable.

Sani hired Ramli to marry her with certain conditions. Ramli agreed to marry Nani but disagreed to divorce her later. Sani felt upset and tried to resolve the matter.

a) Assess the validity and status of the divorce.

(10 marks)

b) If there is no pronouncement of divorce by Sani but Nani felt that she was annoyed due with Sani's attitude, she did not love him anymore and she could not proceed with the marriage anymore, illustrate to Nani on how she could dissolve the marriage.

(8 marks)

c) In the event Sani died during Nani's period of iddah from 3 talaq divorce, discuss whether Nani is entitled to inherit Sani's estate?

(7 marks)

(Total: 25 marks)

QUESTION 5

After 10 years of marriage, Hamid and Niza decided to dissolve the marriage. Niza, a production manager in Melur Baiduri Sdn Bhd. Helped her husband a lot in maintaining their family including their three kids, Marissa, Atika and Ihsan. Hamid works as a production operator in a factory in Melaka with a low salary. Previously, he has been terminated from work by few employers due to disciplinary and misconduct issues.

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After few years of marriage Hamid purchased a double-storey low cost terrace house in Bandar Seri Puteri through a zero downpayment scheme offered by SBBS Bank Berhad. In the meantime, Hamid also inherited a piece of orchard after the death of his father just after he married Niza. Niza has spent her money as capital for durian and other fruits planting. Niza used the income from the orchard to maintain the family and send the kids for tuition and extra classes.

Niza came to you to seek advice on her ancillary entitlement upon divorce. She further informed that the mahar has been fully paid upon the marriage. She did not want to claim the right of accommodation during iddah. As for the children, she was confident that she will be entitled to get the custody of them all. Marissa and Atika are 9 and 7 years respectively, while Ihsan is only 1 month old and still breastfeeding. Hamid however, claimed that the custody of Nabil shall be given to him and his mother since he is his only son and will be the actual legal heir of his offspring.

Advise Niza.

(Total: 25 marks)

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